

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SHONS R KARDARAS**  
Claimant

**APPEAL 21A-DUA-00883-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/13/20**  
**Claimant: Appellant (4)**

PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance

**STATEMENT OF THE CASE:**

On February 1, 2021, Shona R. Kardaras (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated January 29, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA).

After due and proper notice was issued, a telephone hearing was held on Saturday, April 3, 2021. The claimant participated personally.

The administrative law judge took official notice of the administrative record.

**ISSUE:**

Is the claimant eligible for Pandemic Unemployment Assistance?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant opened a claim for unemployment insurance benefits effective December 13, 2020. Claimant filed the application for PUA in December 2020, after she heard about the program. She testified that she waited for months to file her claim for benefits because she had spoken to the Veterans Benefits coordinator with the agency and was informed she did not have enough “quarters in” to qualify for any benefits.

Claimant was required to quarantine in April 2020, as she was experiencing symptoms of COVID-19. Claimant quarantined for two weeks.

Claimant was scheduled to start working on July 1, 2020 for Knight Farms. Claimant typically works for this farm operation in the summer and fall. She spoke with them in May and Jun 2020 and was lined up to start in July. However, subsequently, Knight Farms informed her it did not have any work available for her due to the COVID-19 pandemic. Therefore, claimant remained unemployed.

Claimant finally got a job in December 2020 with Giggle Juice, but it was a destructive place to work so she had to quit.

Claimant is not eligible for regular compensation or extended benefits under state or federal law or Pandemic Emergency Unemployment Compensation (PEUC).

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the Iowa Workforce Development decision dated February 1, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is modified in favor of claimant/appellant.

The CARES Act was established to provide PUA benefits to qualified individuals who were not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation. PL 116-136 Section 2102(a), (b), (c), (d), and (h) provide as follows:

### **SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(a) DEFINITIONS. — In this section:

(3) COVERED INDIVIDUAL. — The term “covered individual”—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107; and

(ii) provides self-certification that the individual— (I) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because—

(aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(bb) a member of the individual’s household has been diagnosed with COVID–19; (cc) the individual is providing care for a family member or a member of the individual’s household who has been diagnosed with COVID–19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;

(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;

(ii) the individual has to quit his or her job as a direct result of COVID-19;

(jj) the individual's place of employment is closed as a direct result of the COVID-19 public health emergency; or

(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or

(ll) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107 and meets the requirements of subclause (l); and

(B) does not include—

(i) an individual who has the ability to telework with pay; or

(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(l).

(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID-19. —

Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

Attachment I to the United States Department of Labor's Unemployment Insurance Program Letter No. 16-20, Change 1 provides that:

An individual does not need to demonstrate good cause to backdate a PUA claim. Rather, the claim **must** be backdated to the first week during the Pandemic Assistance Period that the individual was unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason listed in section 2102(a)(3)(A)(ii)(l) of the CARES Act.

The administrative law judge finds claimant was unemployed, partially unemployed, or unable or unavailable to work because of COVID-19 from April 12 through April 25, 2020; and from June 28 through October 31, 2020.

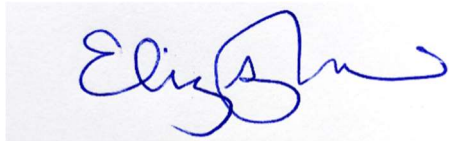
Claimant was in quarantine for two weeks in April 2020, as she was experiencing symptoms of COVID-19 and seeking medical diagnosis. Under section (aa), claimant is qualified for PUA benefits for those two weeks.

Claimant did not have employment from July 1 through October 31 because of the pandemic. She provided unrefuted testimony that she was supposed to begin a job on July 1, but due to the pandemic, this job offer was rescinded. Under section (gg), claimant is qualified for PUA benefits for those weeks.

**DECISION:**

The Iowa Workforce Development decision dated January 29, 2021 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is modified in favor of claimant.

Claimant is eligible for PUA benefits from April 12, 2020 through April 25, 2020; and from June 28, 2020 through October 31, 2020.



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Elizabeth A. Johnson  
Administrative Law Judge  
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April 7, 2021  
Decision Dated and Mailed

lj/kmj